

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	CASE NO. 1:09-CR-181
v.)	
)	Chief Judge Curtis L. Collier
GUADALUPE GAITAN)	

ORDER

On October 25, 2010, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to the lesser included offense in Count One of the Indictment, conspiracy to distribute and manufacture 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing methamphetamine, in violation of 21 USC §§ 846, 841(a)(1) and 841(b)(1)(B), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Court File No. 840). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to the lesser included offense in Count One of the Indictment,¹ in exchange for the undertakings made by the government in the written plea agreement, is

¹Superceding Indictment

ACCEPTED;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One of the Indictment²;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Thursday, March 17, 2011, at 9:00 am.**

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

²Superceding Indictment